GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department - Land Acquisition – Structures in Chukkayapalli H/o Thimmarajupalli (V), Nandalur (M), YSR Kadapa District submerged under back waters of Somasila Project – Sanction of Rs.1,09,86,808/- (including income tax of Rs.10,98,680/-) towards half of the decretal amount for depositing in O.S.No.6/2016 in the Hon'ble 3rd Addl. District Judge, Rajampeta as ordered by the Hon'ble High Court of A.P in IA No.3/2019 in AS No.204/2019, dated:09.09.2019 - Orders - Issued.

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WATER RESOURCES (LA) DEPARTMENT

G.O.Rt.No.331 Dated:07-09-2021.

Read the following:

1. Orders dated:09.09.2019 of the Hon'ble High Court of A.P in IA No.3/2019 in AS No.204/2019.
2. From the Chief Commissioner of Land and Administration & Spl. C.S., Gollapudi, Vijayawada, Letter No.LA-II/64/2020, dated:27.03.2021.
3. From the Chief Commissioner of Land and Administration & Spl. C.S., Gollapudi, Vijayawada, Letter No.LA-II/64/2020, dated:08.05.2021.

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ORDER:

In the reference 1st read above, Hon’ble High Court of AP has passed orders as follows:-

"Heard. Having regard to the reasons stated in the accompanying affidavit and grounds of appeal, there shall be interim stay of all further proceedings pursuant to judgment and decree dated 06.06.2018 in Original Suit No. 6 of 2016 on the file of the Court of the 3rd Additional District Judge, Kadapa District at Rajampet, subject to the petitioners/appellants depositing half of the decretal amount and full costs, within a period of 10 weeks from the date of receipt of a copy of this order. If any such deposit is made within the time stipulated above, the decree holders are entitled to withdraw the same without furnishing any security."

2. In the letter 2nd read above, the Chief Commissioner of Land and Administration & Spl. C.S., Gollapudi, Vijayawada has forward the proposal of the Special Collector(LA), GNSS, Kadapa for sanction an amount of Rs.1,09,86,808/- (including Income Tax of Rs. 10,98,680/-) being the half of the decretal amount for depositing in O.S.No.6/2016 in the Hon'ble 3rd Addl. District Judge, Rajampeta, as ordered by the Hon'ble High Court of A.P in IA No.3/2019 in AS No.204/2019, dated:09.09.2019, pertaining to the structures of Chukkayapalli H/o Thimmarajupalll Vlllage of Nandalur Mandal, YSR Kadapa District.

3. Subsequently, in the letter 3rd read above, the Chief Commissioner of Land and Administration & Spl. C.S., Gollapudi, Vijayawada has again stated that, on verification of the proposal submitted by the Special Collector (LA), GNSS, Kadapa, they found that, though there were no structures as per the inspection report of the SDC (LA) Somasila Project dated:18.11.2007 and the DKT lands in question were resumed by the Government vide Proceedings dt.123/7 dt.20.10.2008, the proposals were submitted for payment of 50% compensation to structures as per the Hon'ble High Court orders. Though it is not clear that, whether the structures were existing at the time of resumption of DKT lands or not and the estimates also were prepared by private licensed consulting Engineers and as per the interim orders of the Hon’ble High Court Amaravathi, half of the decretal amount within a period of (10) weeks shall be paid to the decree holders. Therefore, request the Government to consider entrusting for a detailed enquiry into the issue by the Vigilance & Enforcement Department.

4. Since there is no change in the interim orders of Hon'ble High court in the reference 1st read above, Government have decided to honour the Hon’ble High Court orders to avoid contempt of court and sanction half of the decretal amount for depositing in O.S.No.6/2016 in the Hon'ble 3rd Addl. District Judge, Rajampeta, pertaining to the structures of Chukkayapalli H/o Thimmarajupalll Village of Nandalur Mandal, YSR Kadapa District. Similarly, the issue shall refer to the V&E for detailed enquiry i.e., whether structures were there as on date which the DKT lands were resumed vide Proceedings dt.123/7 dt.20.10.2008 or not as pointed out by the CCLA. After receipt of the enquiry report, the

same shall be appraised to the Hon'ble High Court before disposal of AS No.204/2019, if any lapses are defected in claim.

5. Therefore, Government after careful examination of the matter, hereby accord sanction for an amount of Rs.1,09,86,808/- (including Income Tax of Rs. 10,98,680/-) being the half of the decretal amount for depositing in O.S.No.6/2016 in the Hon'ble 3rd Addl. District Judge, Rajampeta, as ordered by the Hon'ble High Court of A.P in IA No.3/2019 in AS No.204/2019, dated:09.09.2019, pertaining to the structures of Chukkayapalli H/o Thimmarajupalll village of Nandalur Mandal, YSR Kadapa District.

6. The expenditure sanctioned in para (5) above, shall be debited to the Head of Account under "4700 - COL on Major Irrigation; 01 – Major Irrigation; MH.112 Somasila Project- G.H. (11) – Normal State Plan; S.H. (26) Dam and Appurtenants works; 530 Major Works; 532 – Lands (Charged)".

7. Government have also accord permission to the Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada to entrust the matter to Vigilance & Enforcement Department for a detailed enquiry into the issue i.e., whether structures were there as on date which the DKT lands were resumed vide Proceedings dt.123/7 dt.20.10.2008 or not. The said enquiry should be completed within (30) days time. After receipt of the enquiry report, the same shall be appraised to the Hon'ble High Court by the LAO before disposal of AS No.204/2019, if any lapses are defected in claim.

8. The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada / the Special Collector (LA), GNSS, Kadapa shall take necessary action in the matter, accordingly.

9. This order issues with the concurrence of Finance Department vide their U.O.Note.No.:FIN01-FIN01-FMU0PC (WR2)/2/2021-AS-6(Computer No.1477975), dated: 22.08.2021.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Gollapudi, Vijayawada.
The Special Collector, (LA) GNSS Kadapa.
Copy to:
The Chief Engineer (P), Water Resources Department, Kadapa District.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Works Accounts, 'C' Block, Anjaneya Towers, Ibrahimpatnam, Vijayawada.
The Finance (FMU-WR-II) Department.
The P.S to Minister (WRD).
The P.S to Secretry to Government (WRD).
File No.ICD01/641/2021-LA (Com. No.1411194).
Sf/Sc.

//FORWARDED :: BY ORDER //

SECTION OFFICER